

BOSTON REDEVELOPMENT AUTHORITY

REPORT AND DECISION ON THE APPLICATION OF BORINQUEN ASSOCIATES FOR THE AUTHORIZATION AND APPROVAL OF A PROJECT UNDER MASSACHUSETTS GENERAL LAWS (TER. ED.), AS AMENDED, AND CHAPTER 652 OF THE ACTS OF 1960, TO BE UNDERTAKEN AND CARRIED OUT BY A LIMITED PARTNERSHIP FORMED UNDER MASSACHUSETTS GENERAL LAWS, CHAPTER 109, AND APPROVAL TO ACT AS AN URBAN REDEVELOPMENT LIMITED PARTNERSHIP UNDER SAID CHAPTER 121A.

A. The Hearing. A public hearing was held at 2:30 P. M., on October 9, 1975, in the offices of the Boston Redevelopment Authority (hereinafter called the "Authority"), at the New City Hall, Room 921, Boston, Massachusetts, by the Authority on an Application, (hereinafter called the "Application"), filed by Luz E. Cuadrado, Daniel Soltren and E.T.C. Developers, Inc., for Borinquen Associates, (hereinafter called the "Applicants"), for authorization and approval of a redevelopment project under Chapter 121A of the General Laws of the Commonwealth of Massachusetts and Chapter 652 of the Acts of 1960, as amended, (hereinafter called the "Project"), due notice of said hearing having been given previously by publication on September 23, 1975 and September 30, 1975 in the Boston Herald-American, a daily newspaper of general circulation published in Boston, and mailing postage prepaid in accordance with Rule 8 of the Rules and Regulations of the Authority for securing the approval of Chapter 121A Projects, and in accordance with the provisions of Section 13 of Chapter 652 of the Acts of 1960, as amended. Robert L. Farrell, Chairman of the Authority, and Joseph J. Walsh, James G. Colbert, Paul J. Burns and

James K. Flaherty, members of the Authority, were present throughout the hearing.

B. The Project. The Project consists of the rehabilitation, operation, and maintenance by the Limited Partnership under Chapter 121A of 36 apartment units on nine (9) parcels of land located within the South End Urban Renewal Area Project No. Mass. R-56. In addition, there will be provided commercial space on the basement and ground floor of one of the buildings to be rehabilitated. The Project is located at 628-630 and 638 Tremont Street, 328, 330, 334, and 401 Shawmut Avenue 75 and 79 West Brookline Street, and 10 Upton Street. The premises on which the Project is to be located are hereinafter referred to as the "Project Area". The Project is to be financed by the Massachusetts Housing Finance Agency and subsidized under Section 8 of the Housing Act of 1974.

The Applicants propose to construct the following structures and facilities on the Project Area:

There is to be constructed approximately 36 units of low and moderate income housing consisting of the rehabilitation of nine buildings all in accordance with the terms of the South End Urban Renewal Plan. The unit composition will be as follows:

- 18 one bedroom units
- 6 two bedroom units
- 7 three bedroom units
- 5 four bedroom units

In addition, commercial space will be provided on the basement and ground floor of the building situated at 628-630 Tremont Street.

The makeup and design of the Project are fully shown on the Plans filed with the Application as Exhibits D, E, and I.

C. Authority Action. In passing upon the Application, the Authority has considered the Application itself, all Documents, Plans and Exhibits filed therewith or referred to therein, the oral evidence presented at the hearing, the Exhibits offered in evidence at the hearing and the arguments and statements made at the hearing. The members of the Authority have also viewed the Project Area.

The Project, as defined in the Application, constitutes a Project within the meaning of Section 1 of Chapter 121A of the General Laws, providing, as it does, for the rehabilitation, operation, and maintenance of decent, sanitary and safe residential buildings and appurtenant facilities.

D. Project Area Substandard, Decadent and Blighted Open. Pursuant to Chapter 121B of the General Laws, the South End Urban Renewal Area Project No. Mass. R-56, within which the Project Area is located, has been declared to be blighted, substandard and decadent. Such determination was made by the Authority in its "South End Urban Renewal Plan". More specifically, many of the buildings within and adjacent to the Project Area are uninhabitable and abandoned and constitute fire, safety and health hazards. Many of the neighborhood buildings that are occupied are dilapidated, over-crowded or lack adequate sanitation. In the immediate neighborhood are some open areas where buildings have been torn down and are not likely to be replaced by the normal action of

private enterprise because of economic conditions.

These conditions warrant the carrying out of the Project in accordance with the legislative mandate contained in Chapter 121A of the General Laws and the Application constitutes a Project within the meaning of that law. The purposes of Chapter 121A and Chapter 652 of the Acts of 1960 will be met by this Project. The demand for decent, safe and sanitary housing for persons and for families at rentals below those which the conventional operations of the real estate market produces is, as a matter of common knowledge, intense in this area of the City. Rehabilitation of substantial and handsome structures will serve to alleviate this intense demand and will, in addition, encourage the conservation and improvement of an Area of a substantial number of dwellings located adjacent to the Project Area. The Project will provide adequate financial return to the City of Boston. Exhibit H of the Application sets forth the amounts to be paid by Agreement to the City of Boston in addition to the excise tax prescribed by Section 10 of Chapter 121A. This Exhibit is attached only for illustrative purposes and the approval of the Report and Decision does not bind the City or the Applicants to the terms and conditions of the Exhibit.

E. Cost of the Project. In the opinion of the Authority, the cost of the Project has been realistically estimated in the Application and the Project is practicable. The estimated replacement cost is \$1,138,620.00. The Massachusetts Housing Finance Agency, at its meeting of October 15, 1975, voted that this Project be among those

afforded first priority for closing in the near future. MHFA has issued a commitment to provide permanent financing in the amount of 90% of the total replacement cost of the Project. The Application contains a form of Partnership Agreement illustrating, in a general fashion, the organizational framework of the Partnership to be called Borinquen Associates. Experience with similar financing and organizational methods persuades the Authority that the financial program is realistic.

The feasibility of the Project is based upon the financial commitment made by the Applicants which requires them to provide equity financing for the Project, the market established by the need for low and moderate housing in the area, the reservation of rental assistance funds under Section 8 of the U. S. Public Housing Act of 1937, as amended, for all of the dwelling units in the Project and the mortgage financing to be made available by the Massachusetts Housing Finance Agency.

F. Consistency with Master Plan. The Project does not conflict with the Master Plan for the City of Boston.

G. Effect of the Project. The Project will not be in any way detrimental to the best interests of the public or the City or to the public safety or convenience or be inconsistent with the most suitable development of the City. The Project will, in fact, forward the best interests of the City and will constitute a public use and benefit.

The structures to be rehabilitated under the Project have been reviewed by the Design Review Staff of the Authority and are subject to further Design Review. The Authority finds that they will enhance the general appearance of the Area and furnish attractive and necessary living accommodations. The location proposed is excellent for housing, having ready access to public transportation.

The carrying out of the Project will not in itself involve the destruction of any existing structures. Some of the buildings involved in the Project are vacant and involve no dislocation of any persons from their apartments. Rehabilitation operations are planned in such a way as will enable persons who have to move from their apartments to move to other apartments owned by affiliates of the Applicants or other units within the South End Urban Renewal Area.

Relocation assistance of the Authority will be provided to the families displaced.

The Project Area does not include land within any location approved by the State Department of Public Works for the extension of the Massachusetts Turnpike into the City of Boston.

H. Environmental Considerations. Conformably with the provisions of Section 62 of Chapter 30 of the General Laws (as inserted by Chapter 781 of the Acts of 1972), and the Regulations thereunder as adopted by the Authority on April 11, 1974, the Authority has made an environmental examination which contains, among others, the following findings:

1. The Project does not adversely affect any recreational areas or any aesthetic values in the surrounding area.
2. No natural or man-made places are affected by the Project.
3. The Project does not adversely affect archeological or historical structures or features. It is expected that the Project will enhance the historic structures in the Area.
4. The Project does not affect the potential use, extraction, or conservation of a scarce natural resource.
5. The Project Area is urban, and therefore, does not serve as a habitat for wildlife or fish species.
6. Being urban, the Project has no impact on any wilderness areas.
7. The Project will require deviations from the Zoning Code and the Building Code of the City of Boston as further detailed herein, but not in such manner as will cause damage to the environment.
8. The Project does not require certification, authorization or issuance of a permit by any local, State or Federal environmental control agency. However, since the proposed Project will utilize

Section 8 funds, HUD must review the Project for Federal environmental clearance.

9. The Project does not involve the disposal of potentially hazardous materials.
10. The Project does not involve the construction of facilities in a flood plain.
11. The Project, except necessarily during the construction phase, does not result in the generation of a significant amount of noise or dust.
12. The Project does not result in a deleterious effect on the quality of any portion of the State's air or water resources.
13. The Project does not affect an area of important scenic value. The Project does affect an area with significant architectural attributes but is designed harmoniously with those attributes.

As a result of the investigation and Report of the Authority staff and of its own knowledge, the Authority hereby determines that the Project will not cause significant environmental damage and that the Secretary of the Authority be instructed to file such with said Executive Office of Environmental Affairs its Report and finding in accordance with the Authority's Rules and Regulations.

I. Minimum Standards. The minimum standards for financing, construction, maintenance, and improvement of the Project, as set forth in Exhibit G filed with and attached to the Application, are

hereby adopted and imposed as Rules and Regulations (in addition to those hereinafter adopted and imposed) applicable to this Project for the same period as the Project is subject to the provisions of Chapter 121A of the General Laws and Chapter 652 of the Acts of 1960, as amended.

In addition to the minimum standards set forth in Exhibit G, the Authority hereby requires that the Applicants, prior to obtaining a building permit, (1) enter into a Regulatory Agreement with the Authority pursuant to the requirements of General Laws, Chapter 121A, Section 18C and containing such other terms and conditions as the Authority may in its discretion deem necessary and appropriate; (2) submit to the Authority for its review and approval such Plans and Specifications for the Project as the Authority may require, and accept such changes and modifications thereto as the Authority may deem necessary or appropriate; and (3) adhere to such Design Review Controls and Requirements as the Authority may in its discretion impose.

The carrying out of the Project will not require a permit for the erection, maintenance, and use of a garage within 500' of one or more buildings occupied in whole or in part as a public or private school having more than 50 pupils, or as a public or private hospital having more than 25 beds, or as a Church.

The Project does not require a declaration that the buildings contemplated constitute a separate building for the purpose of General Laws, Chapter 138.

J. Zoning and Building Code Deviations. Exhibit F filed with and attached to the Application lists the Zoning and Building Deviations. For the reasons set forth in the Application and supporting documents, including said Exhibit F, and on the basis of the evidence presented at the hearing, and in this Report, the Authority hereby finds that each and every one of the permissions hereinafter granted is reasonably necessary for the carrying out of the total Project and may be granted without substantially derogating from the intent and purposes of the applicable Laws, Codes, Ordinances and Regulations, respectively.

In summary, the Zoning and Building Deviations from which permission is sought, are as follows:

I. ZONING VARIANCES:

Article 8 Regulation of Use

Permission to convert a dwelling structure to more families under use item 8 and to allow commercial use (use item 34, 37, 39, 40, 41, 43, 44 or 45) in an H district.

Article 11 Signs

Permission to waive regulations with respect to size, kind and location of signs in a residential district.

Article 15 Building Bulk

Permission to waive requirement limiting floor area ratio in an H2 district to 2.0 and in an H3 district and an H3U district to 3.0.

Article 17 Open Space Requirements for Residences

Permission to waive requirement for 150 square feet per dwelling unit of usable open space in an H2 district and 100 square feet per dwelling unit of usable open space in an H3 district.

Article 18 Front Yards

Permission to waive all requirements for front yards.

Article 19 Side Yards

Permission to waive all requirements for side yards.

Article 20 Rear Yards

Permission to waive all requirements for rear yards.

Article 21 Setbacks

Permission to waive all requirements for minimum setbacks of parapet.

Article 22 Yard Regulations

Permission to waive all yard regulation requirements.

Article 23 Offstreet Parking

Permission to waive all requirements for offstreet parking.

Article 24 Offstreet Loading

Permission to waive all requirements for offstreet loading facilities.

II. STATE BUILDING CODE

Section 217.2

Permission to deviate from requirement in Table 2-5 that Type 3B Construction have 2 hour non-combustible construction of fire enclosure of exits and stairways.

Section 303

Permission to deviate from requirement in Table 2-6 that Type 3B Construction have maximum 4 stories, 50' 13,200 square feet.

Section 503.2

Permission to deviate from requirement that all habitable rooms shall have windows with glass area of not less than 1/10 of floor area.

Section 503.41

Permission to deviate from requirement in multi-family dwellings that interior stairs are required to have 10 square feet of window for each story.

Section 509.1

Permission to deviate from requirement that kitchens over 70 square feet require natural ventilation.

Section 603.4

Permission to deviate from requirement in multi-family dwellings that one primary entrance be accessible to and usable by the handicapped.

Section 605.31

Permission to deviate from requirement that new or altered exitway facilities shall comply with new building requirements.

Sections 609.1 and 609.11

Permission to deviate from requirement in multi-family dwellings that two approved independent exits serving every floor area above and below grade floor be arranged so that they may be reached without passing another unit.

Sections 611.1 and 611.4

Permission to deviate from requirement that exitway wall construction shall be as described in Table 2-5.

Section 614.1

Permission to deviate from requirement that 1-1/2 self-closing fire doors be required at horizontal exits.

Section 614.3

Permission to deviate from requirement that areas connected by horizontal exit shall be either public areas or spaces occupied by the same tenant.

Section 614.4

Permission to deviate from requirement that horizontal exit doors shall be kept unlocked whenever the area on either side of the horizontal exit is occupied.

Section 616.21

Permission to deviate from requirement that width of interior exitway stairs equal 42" in multi-family dwellings (minimum) and 36" in one and two family dwellings (minimum).

Section 616.23

Permission to deviate from requirement that no stairway shall reduce in width in direction of exit travel.

Section 616.31

Permission to deviate from requirement that the least dimension of landings and platforms shall not be less than required width of stairway.

Section 616.41

Permission to deviate from requirement of minimum width of treads and height of risers.

Section 616.42

Permission to deviate from requirement that winder stairs are not allowed in multi-family dwellings, and, if applicable, requirement that such stairs are not permitted in one and two family dwellings.

Section 616.62

Permission to deviate from requirement that stair exitway doors shall swing in direction of exitway travel and not reduce required landing area.

Section 616.9

Permission to deviate from requirement that non-combustible construction is required for interior public stairway.

Section 617.1

Permission to deviate from requirement that there be access to the roof by stairway.

Section 619.1

Permission to deviate from requirement that the exterior exitway stairway shall comply with requirements for interior exitway stairways except as to enclosures.

Section 621.1

Permission to deviate from requirement that special order of building official be required to permit fire escapes.

Section 621.21

Permission to deviate from requirement of a minimum 8" depth of fire escape tread.

Section 718.0

Permission to deviate from requirement that structure is to be designed to withstand earthquake loads.

Section 737.42

Permission to deviate from requirement of liquefaction during earthquake.

Section 816.2

Permission to deviate from requirement that mortar for masonry shall meet strength and durability as specified.

Section 835.1

Permission to deviate from requirement of specification for masonry construction.

Section 867.0

Permission to deviate from requirement that all masonry exterior walls must have 2' parapets.

Section 906.3

Permission to deviate from requirement that there be 2' parapets on all exterior walls of buildings of 3B construction with roofs of combustible materials.

Section 1206

Permission to deviate from requirement that all buildings over three stories require standpipes.

Section 1218.21

Permission to deviate from requirement that automatic smoke or smoke and heat detectors be connected to alarm.

MEMORANDUM

OCTOBER 23, 1975

TO: BOSTON REDEVELOPMENT AUTHORITY

FROM: ROBERT T. KENNEY, DIRECTOR

SUBJECT: SOUTH END URBAN RENEWAL AREA PROJECT NO. MASS. R-56
REPORT AND DECISION ON CHAPTER 121A APPLICATION OF
BORINQUEN ASSOCIATES

A public hearing was held by the Authority on October 9, 1975 on the above-captioned Application. At that meeting the Board heard a presentation by the Applicants and the matter was referred to the Chief General Counsel for a Report and Decision.

The 121A Application has been examined and found to contain sufficient evidence in support of the proposed Project to permit the Authority to proceed with the adoption of the attached Report and Decision approving the Project and consenting to the formation of the Limited Partnership.

As indicated by the Applicants at the hearing, and as stated in the Application, this proposal calls for the acquisition of nine buildings in the South End Urban Renewal Area by the Limited Partnership and the rehabilitation of those buildings into 36 apartments to be operated and maintained by the Partnership. All of the units will be available to low and moderate income families through rent subsidy funds under Section 8 of the Housing Act of 1974. In addition, one building will provide commercial space on its basement and ground floor levels.

The Massachusetts Housing Finance Agency, at its meeting of October 15, 1975, voted that this Project be among those afforded first priority for closing in the near future. It is anticipated that approximately 90% of the total replacement cost of approximately \$1,138,620.00 will be financed through the Massachusetts Housing Finance Agency.

With respect to the Applicants' request for permission to deviate from the provisions of the State Building Code and the Boston Zoning Code, the Boston Building Department and the Authority's

Staff have reviewed these requests and do not object to the deviations to be granted. The Authority has also made inquiry into the Environmental Impact of the Project pursuant to Sections 61 and 62 of Chapter 30 of the Massachusetts General Laws. The proposal for Borinquen Associates has thus been examined both as to its Environmental Impact and as to its compliance with 121A criteria and is found fully acceptable.

It is therefore appropriate at this time that the Authority adopt the Report and Decision for Borinquen Associates and approve the Project as having no significant Environmental Impact.

An appropriate Vote follows:

VOTED: That the document presented at this meeting entitled "Report and Decision on the Application of Borinquen Associates for Authorization and Approval of a Project Under Massachusetts General Laws (Ter. Ed.), as amended, and Chapter 652 of the Acts of 1960, to be Undertaken and Carried Out by a Limited Partnership Formed Under Massachusetts General Laws, Chapter 109, and Approval to Act as an Urban Redevelopment Limited Partnership Under said Chapter 121A" which includes a determination by the Authority that said Project has no significant Environmental Impact, be and hereby is approved and adopted.